

REMARKS/ARGUMENTS

Claims 1-20, 22-60, and 62-64 remain pending in the application. Claims 21 and 61 are canceled without prejudice. Applicant respectfully requests entry of the amendment as merely canceling claims. A listing of claims is provided above in order to facilitate the Examiner's review of Applicant's remarks and arguments presented in the instant response.

The claims were rejected in the Final Office Action dated June 10, 2009 as allegedly anticipated by U.S. Patent Application Publication No. 2003/0008669 to Stein, et al. (hereinafter Stein). Applicant respectfully traverses the rejection.

Applicant respectfully requests reconsideration and allowance of all pending claims.

Discussion of Rejections Under 35 U.S.C. §102

Claims 1-20, 22-60, and 62-64 were rejected under 35 U.S.C. 102(a) as allegedly anticipated by Stein. Applicant respectfully traverses the rejection and requests reconsideration and allowance of all pending claims.

In order for a claim to be anticipated, a single prior art reference must describe, either expressly or inherently, each and every element as set forth in the claim. Applicant contends that Stein does not describe every feature as set forth in the claims.

Stein describes determining the location of a mobile terminal in a system when under the coverage of a repeater. *See, Stein, Abstract*, paragraph [0019], and paragraph [0020]. As noted in Stein, a repeater may introduce additional signal delays into the repeated signal, and the presence of the additional signal delays may make unreliable any mobile station position determined from the delayed signal in the absence of knowledge that the signal is a repeated signal. *See, id.*, at paragraph [0015].

Stein describes a method and apparatus of identifying a signal that is sent by a repeater. *See, id.*, at paragraph [0021]. Stein describes each repeater sending an identification code that is unique to the repeater. *Id.* The identification code may “comprise pseudo-noise (PN) sequences at defined offsets that are specifically reserved for repeater identification.” *Id.* As described in Stein, “The identification code can then be used by a terminal (or a PDE) to unambiguously identify the repeater.” *Id.*

Stein describes, in an embodiment, using a specific PN offset of a pilot signal as the identification code. See, Stein, at paragraphs [0046] and [0051]-[0054].

Claim 1 recites a method for calculating an estimate of a mobile station. The method includes “collecting in a mobile station, position estimate information (PEI) transmitted by a location node in one or more messages carried on at least one of a common channel or a dedicated channel, and wherein the PEI in the one or more messages includes a location node identification and longitude and latitude information of the location node.” Stein does not describe at least this claimed feature, and thus, does not anticipate claim 1.

As set forth in the claim, the PEI message “includes a location node identification and longitude and latitude information of the location node.” Although Stein describes a unique PN offset as identifying a repeater, Stein does not describe any manner of transmitting a message that includes the longitude and latitude of a location node. Instead, Stein describes a position estimate of the repeater as being accessed from a table based on the identification code. See, Stein, at paragraph [0042]. Stein describes the table as being stored in the PDE, maintained at the terminal, or maintained at an entity such as a base station, or BSC. *Id.*

Stein does not describe location information of the location node ever being transmitted to the mobile station. Indeed, inclusion of such information is not possible in the embodiment of Stein where the identification code is provided as a PN offset of the pilot signal. This is because the pilot signal carries no data and is modulated with a known sequence (typically all zeros). See, Stein, at paragraph [0046]. Thus, the embodiment of Stein that uses the PN offset of the pilot signal as the identification code is incapable of being modified to carry the longitude and latitude information of a location node.

The Office Action states “Stein teaches GPS information about position information given/received to mobile device, hence, including latitude and longitude as GPS information include among other things latitudes and longitudes and is analogous and notoriously well known in the art.” *Office Action*, at page 3.

Although Stein describes the use of GPS in determining a location of a mobile terminal, Stein does not describe a mobile device receiving latitude and longitude information *of a GPS satellite*. Indeed, the satellites in the GPS system do not transmit their longitudes and latitudes.

If the Office Action argues that the GPS satellite is a location node, then the rejection for anticipation cannot be maintained, because a GPS satellite does not transmit its longitude and latitude.

Claim 1 includes the feature of the mobile station receiving the longitude and latitude of the location node. Stein does not describe any location node transmitting its longitude and latitude. Indeed, Stein does not even use either of the terms “longitude” and “latitude” throughout the reference.

The Office Action states that “including latitude and longitude as GPS information include among other things latitudes and longitudes and is analogous and notoriously well known in the art.” *Office Action*, at page 3. However, as discussed above, the satellites in the GPS system do not transmit their latitude and longitude information. Moreover, Stein does not describe any location node as transmitting its latitude and longitude in a PEI information message. Notably, the claim features the mobile station receiving *the latitude and longitude of the location node*, and not the latitude and longitude of the mobile station for which the location is to be determined, which may be received by the mobile station, for example, from a PDE.

Applicant respectfully requests the Examiner provide a citation to a reference that describes transmitting latitude and longitude of a location node in a PEI message that is received by a mobile station if the Examiner is taking official notice that this claimed feature is known in the prior art. Applicant contends that it is not notoriously well known for a location node to transmit its latitude and longitude to a mobile station. Applicant describes the latitude and longitude information as helpful, for example, in situations where an identity of a location node is ambiguous. *See, Applicant's Specification*, at paragraph [0031]. Applicant contends that such information is not typically maintained in a location node and is not typically transmitted by a location node to a mobile station. Applicant respectfully requests reconsideration and allowance of claim 1, because Stein does not describe every claimed feature as set forth in the claim. Additionally, the claimed feature relating to latitude and longitude of the location node not described in Stein is not notoriously well known in the art as alleged by the Examiner.

Stein does not describe a mobile station receiving latitude and longitude of a location node in any PEI message. Stein does not use the terms “latitude” or “longitude” throughout the

reference. Furthermore, a mobile station receiving latitude and longitude of a location node is not notoriously well known in the art, and Applicant requests the Examiner provide a citation to a reference that supports the Examiner's contention if the Examiner is taking official notice of this claimed feature.

Applicant believes claim 1 is allowable and not anticipated by Stein, and requests reconsideration and allowance of the claim.

Claims 42 and 62 include features that are substantially the same as those discussed above in relation to claim 1. Claims 42 and 62 are believed to be allowable at least for the same reasons as presented above in relation to claim 1. Applicant respectfully requests reconsideration and allowance of claims 42 and 62.

Claim 27 includes the feature of "receiving in a position determination entity, the PEI parameters which have been sent by the mobile station, the PEI parameters including information from which the location node can be located or identified and wherein the PEI parameters contain some or all of the PEI received from the location node and additional information which can be identified by the mobile station based on *longitude and latitude information included in the PEI*."

Stein fails to describe a mobile station generating PEI parameters that includes information that is based on *latitude and longitude information included in the PEI*, or communicating this information to a PDE. As discussed above in relation to claim 1, Stein does not describe a mobile station receiving PEI that includes latitude and longitude of a location node in PEI. Thus, Stein fails to anticipate claim 27.

Claim 63 includes a feature that is substantially the same as the one discussed above in relation to claim 27. Claim 63 is believed to be allowable at least for the reasons presented above in relation to claim 27. Applicant respectfully requests reconsideration and allowance of claims 27 and 63.

Claim 64 recites a system for calculating a position estimate of a mobile station. Claim 64 includes substantially the features discussed above in relation to claim 1 and claim 27. Claim 64 is believed to be allowable at least for the reasons presented above in one or both of claims 1 and 27. Applicant respectfully requests reconsideration and allowance of claim 64.

Discussion of Dependent Claims

Claims 2-20, 22-26, 28-41, and 43-60 depend, either directly or indirectly, from one of independent claims 1, 27, or 42. The dependent claims are believed to be allowable based at least in part on their dependence from an allowable base claim. Each of the dependent claims may have individual bases for patentability beyond those discussed above in relation to the independent claims. It is not necessary to discuss the patentable distinctions of each dependent claim because of the allowability of the base claims from which they depend. Applicant respectfully requests reconsideration and allowance of claims 2-20, 22-26, 28-41, and 43-60.

Discussion of Stein as a Prior Art Reference

Applicant previously submitted a statement disqualifying Stein as a prior art reference under 35 U.S.C. §103(c). Applicant wishes to clarify that the removal of Stein as a prior art reference under 35 U.S.C. §103(c) refers to the removal of U.S. Patent No. 7,139,580 to Stein issuing on November 21, 2006 from U.S. Patent Application No. 10/132,908. Applicant's statement of common ownership does not serve to remove U.S. Patent Application Publication No. 2003/0008669, published January 9, 2003, from U.S. Patent Application No. 10/132,908, as a prior art reference under 35 U.S.C. §103(c).

Applicant wishes to clarify any ambiguity in the prior submitted statement of common ownership, because both U.S. Patent No. 7,139,580 to Stein as well as U.S. Patent Application Publication No. 2003/0008669 to Stein stem from the same application.

CONCLUSION

Applicant believes that all claims pending in the application are allowable.

Applicant believes that the instant response is filed within the period for response provided in the Final Office Action of June 10, 2009.

If there are any other fees due in connection with the filing of the response, please charge the fees to our Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Applicant therefore respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

Dated: August 10, 2009

By: 

Andrea L. Mays

Attorney for Applicant

Registration No. 43,721

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121-2779
Telephone: (858) 651-8546
Facsimile: (858) 658-2502
61263027 v1